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*Attorneys for Defendant Greenwich Capital  
Financial Products, Inc.*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

DAVID ALAN MORGENSEN,

Plaintiff,

v.

DOWNEY SAVINGS AND LOAN  
ASSOCIATION, FA, A CALIFORNIA  
CORPORATION, U.S. BANK OF  
CALIFORNIA, AN OREGON  
CORPORATION, GREENWICH CAPITAL  
FINANCIAL, INC., A DELAWARE  
CORPORATION, CENTRAL MORTGAGE  
COMPANY, DBA CENTRAL MORTGAGE  
SERVICING COMPANY, and DOES 1  
through 10 inclusively,

Defendants.

Case No. 5:15-cv-2000-HRL

**NOTICE OF PLAINTIFF'S  
NONOPPOSITION TO DEFENDANT  
GREENWICH CAPITAL FINANCIAL  
PRODUCTS, INC.'S MOTION FOR  
PROTECTIVE ORDER**

Date: November 12, 2015  
Time: 10:00 a.m.  
Crtrm.: 2, 5th Floor  
San Jose Courthouse  
Judge: The Hon. Magistrate Judge Howard  
R. Lloyd

**NOTICE OF PLAINTIFFS' NONOPPOSITION TO DEFENDANT'S**  
**MOTION FOR PROTECTIVE ORDER**

TO THE CLERK OF COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Defendant Greenwich Capital Financial Products, Inc. ("Greenwich") hereby notifies the Court that Plaintiff David Alan Morgensen ("Plaintiff") has not filed or served an opposition or Statement of Nonopposition to Greenwich's Notice of Motion and Motion for Protective Order, and Memorandum In Support Thereof, Oct. 9, 2015, ECF No. 33 ("Motion"). Accordingly, Greenwich respectfully requests that the Court grant the Motion in its entirety.

Under the Northern District's Local Rules, an "opposition must be filed and served not more than 14 days after the motion was filed," or "file with the Court a Statement of Nonopposition within the time for filing and serving any opposition." L.R. 7-3(a)-(b). When a party is not served through ECF but, instead, by mail pursuant to Fed. R. Civ. P. 5(b)(2)(C), this deadline is extended by 3 days. L.R. 7-3(a). A party's failure to comply with these local rules is a "proper ground" for granting a motion in its entirety. *See Ghazali v. Moran*, 18 46 F.3d 52, 53 (9th Cir. 1995).

Here, Greenwich filed and served the Motion on October 9, 2015. *See* Mot. at 20 (Certificate of Service). As such, Plaintiff was required to file his opposition or Statement of Nonopposition by October 26, 2015, which is 17 days after the Motion was filed and served. *See* L.R. 7-3(a)-(b). As of this Notice, dated October 27, 2015, Plaintiff has filed nothing in response to the Motion, thereby violating this Court's local rules. Accordingly, this Court should grant Greenwich's Motion in its entirety. *See Ghazali*, 18 46 F.3d at 53-54 (upholding district court's granting of defendant's motion to dismiss due to pro se plaintiff's failure to timely file an opposition in violation of the court's local rules); *see also* [Proposed] Order Granting Greenwich's Mot. for Protective Order, Oct. 9, 2015, ECF No. 33-1.

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DATED: October 27, 2015

Respectfully submitted,

BUCKLEYSANDLER LLP

By: /s/ Fredrick S. Levin

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**CERTIFICATE OF SERVICE**

I, Fredrick S. Levin, an attorney for Defendant Greenwich Capital Financial Products, Inc., hereby certify that on this 27th day of October, 2015, a copy of the foregoing **NOTICE OF PLAINTIFF'S NONOPPOSITION TO DEFENDANT GREENWICH CAPITAL FINANCIAL PRODUCTS, INC.'S MOTION FOR PROTECTIVE ORDER** was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

N/A

I also certify that a copy of the same was served via U.S. Mail on the following non-CM/ECF participants:

David Alan Morgensen  
c/o 375 Woodland Drive  
Scotts Valley, CA 95066

Plaintiff Pro Se

/s/ Fredrick S. Levin  
Fredrick S. Levin